

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:21-cr-00013-KJD-BNW

V.

GEORGE ORVILLE TURNER, JR.,

Defendant.

ORDER DENYING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Weksler's Report and Recommendation (ECF #72) recommending that the Court grant Defendant's Motion to Suppress (ECF #42). The government objected to the report (ECF #79) and Defendant responded to the objection (ECF #83).

I. Factual and Procedural Background

Defendant George Orville Turner, Jr. (“Turner”) was charged with two counts of Felon in Possession of a Firearm and Felon in Possession of Ammunition. (ECF #1). His arrest came after Las Vegas Metropolitan Police Department (“Metro”) searched his home and discovered a Glock, model 48, 9 caliber pistol and one or more rounds of Blazer 9mm luger ammunition. Id. at 3. Turner was convicted of aggravated assault in the third degree in 2011 in New Jersey; burglary in the third degree in 2014 in New Jersey; and possession of a controlled substance with intent to sell in 2016 in Nevada. Id. Each of these convictions was punishable by imprisonment for a term exceeding one year and prohibited Turner from owning a firearm. Id. At his initial appearance, Turner pleaded not guilty to both charges. (ECF #6).

On September 17, 2021, Turner filed a motion to suppress the firearm and ammunition, arguing that the warrants obtained by Metro officers to search his Facebook accounts and home were invalid and violated his Fourth Amendment rights. (ECF #42, at 2). The warrants were obtained by Metro officer Jex (“Officer Jex”). (ECF #72, at 1). Officer Jex observed suspicious

1 material on a Facebook account with the name “Kizzy Chapo” related to a forgery scheme. Id. at
 2 3. A post from July 6, 2020 displayed photos of driver’s licenses from several states and
 3 identification cards. Id. With the photo, the poster wrote:

4

5 Need a drivers license!? Look no further. How do I do it? These drivers license
 6 pass every single test possible in any state. From holograms to microprint, from
 7 UV to scanning abilities. I prepare the IDs for every single test a bouncer or
 8 police officer has out there. They easily pass the bend test, backlight test, &
 9 several others you may have never ever heard of. How its delivered? IDs are
 10 generally crafted 4-6 days after your order has been placed, & will most likely be
 11 in your hands within 2-3 weeks of purchase. Passes the following: clubs, bars,
 12 casinos, rental cars, airports, hotels, motels, airbnbs, police traffic stops,
 13 warrants/fines, avoid jail time. Contact me for prices!! Prices vary depending on
 14 state you want. With regular shipping 2-3 weeks, rushed shipping is \$40 estimated
 15 arrival: 12 days. Only accepting cash app, paypal, venmo payments.

12

13 Id. Other Facebook users commented on the post, asking whether it was real. Id. Kizzy Chapo
 14 responded by posting a video of a Pennsylvania driver’s license with Turner’s picture but the
 15 name Tyreik Shaamad Muhammad. Id. The identification number belonged to a woman named
 16 Natasha Reeves. Id. at 4. Under the post, Kizzy Chapo made a post identifying the states for
 17 which he makes false identification cards along with a post offering information about the
 18 process for making and distributing the forged cards. Id. With this information, Officer Jex
 19 sought to obtain a warrant to search the Facebook accounts of Kizzy Chapo and George Turner.
 20 Id. Officer Jex believed the Kizzy Chapo account was related to the George Turner account
 21 because both accounts had the same profile picture featuring a man with a mask, both accounts
 22 had pictures of that same individual without the mask, and Turner’s account provided the name
 23 “Kiiz Chapo.” Id. at 3. Additionally, Officer Jex compared the photos of the man from the Kizzy
 24 Chapo account with prior booking photos and identified the man as Turner. Id.

25

26 In the search warrant and affidavit, Officer Jex sought to seize the following categories of
 27 information from both the Kizzy Chapo and Turner Facebook accounts:

28

29 1. Basic user identity information – The date the profile was created; First and last
 30 names provided by the user; user ID; an email address provided by the user; City,
 31 State, country; Account creation date and time; IP address at the time of sign up.

- 1 2. IP address logs – Historical IP logs from June 01, 2020 to current date.
- 2 3. Private user communications – Private in-box messages, private sent messages,
- 3 and private messages in the trash folder from June 01, 2020 to current date.
- 4 4. Stored user files – photographs, videos, blogs, and classifieds.
- 5 5. Public wall messages / postings from June 01, 2020 to current date.
- 6 6. Other general information / records – Users date of birth, Gender, Hometown,
- 7 Occupation, as well as historical private message header information.
- 7 7. Phone numbers associated with the account and/or profile
- 8 8. Any and all ‘Facebook Messenger’ application messages to include but not
- 9 limited to Private in-box messages, private sent messages, and private messages
- 10 in the trash folder from June 01, 2020 to current date.

11 Id. at 4. The affidavit did not list any posts related to the forgery scheme by the Turner account.

12 Id. at 13. A state court judge signed the warrant on August 4, 2020 and Officer Jex seized the
 13 data. Id. at 4. While reviewing the Facebook data, Officer Jex identified conversations with four
 14 individuals that contained evidence of Turner’s forgery scheme. (ECF #79, at 5). A user named
 15 Ashley Sade (“Sade”) sent Turner a private message on the Kizzy Chapo account asking about
 16 the false identification cards. Id. Turner responded that it was not a scam, provided his rates and
 17 information about how to pay, noted that it was an “illegal service” and “federal offense,” and
 18 that he was the middleman in the operation. Id. After receiving instructions from Turner, Sade
 19 placed an order for a false driver’s license. Id.

20 A conversation between Kizzy Chapo and Facebook user Keyarea Moore (“Moore”)
 21 showed Moore’s interest in a driver’s license but her hesitancy to be scammed. Id. at 6. Turner
 22 assured Moore that it was not a scam, but an illegal service that he provided. Id. He then sent
 23 instructions on how to order the license. Id. A Facebook user called Jada Jada messaged Turner’s
 24 Kizzy Chapo account to ask “Is it a legal license?” Id. Turner responded, “It’s a fake drivers [sic]
 25 license.” Id. Facebook user Lepatrick Featherston (“Featherston”) also messaged the Kizzy
 26 Chapo account regarding Turner’s post about fake driver’s licenses. Id. Featherston told Turner,
 27 “Yeah bro I wouldn’t be posting the driver licenses they can snitch on you bro.” Id. Later in that
 28 same conversation, Turner discussed the acquisition of a firearm, stating that he “need[ed] one to
 keep in the crib cause I have been having a lot of weird shit happen” and that he “wanna get a
 Glock and get these camera [sic] installed this week.” Id.

Officer Jex continued to monitor both the Kizzy Chapo and Turner Facebook accounts.

1 On October 6, 2020, the Turner account posted a Facebook story advertising false driver's
 2 licenses. Id. Turner posted another video to his story, showing files entitled "HACKER PRO
 3 PACK, 2020 Scamming intro, ATM Hack, and ATM Skimmer" being scrolled through on an
 4 electronic device. Id. at 7. On October 15, 2020, the Kizzy Chapo account posted Facebook
 5 stories that included photographs of several identification cards. Id. The cards showed the
 6 photograph of the same person, English-American actor Wentworth Earl Miller III, with
 7 different information. Id. Some were California driver's licenses containing fraudulent
 8 information. Id. Based on his observations of the material seized from the Facebook accounts
 9 and Turner's subsequent posts to his accounts, Officer Jex applied for a search warrant to search
 10 Turner's home for evidence of conspiracy to commit forgery, possessing a document or personal
 11 identity information to commit forgery or counterfeiting, and owning or possessing a gun by a
 12 prohibited person. Id.

13 The warrant request included information about the forgery evidence Officer Jex viewed
 14 both from, and independent of, the Facebook warrant. Id. It also included information that Turner
 15 was charged on May 14, 2020 for owning or possessing a gun by a prohibited person contrary to
 16 NEV. REV. STAT. § 202.360.1. Id. Officer Jex described a post on Turner's account from
 17 February 2020 that included an image of two Glock handguns with the text, "Get you a bitch that
 18 puts guns in her name for you" and "Bae wya (where you at) Im [sic] tired of buying guns off the
 19 street." Id. at 7–8.¹ Officer Jex also observed two of Turner's posts that depicted narcotics and
 20 included this information in the warrant. Id. at 8. The warrant sought to seize, among other items,
 21 any computer devices, photographic equipment, identity documents, U.S. currency, electronic
 22 storage devices, firearms, and any articles of personal property tending to establish the identity of
 23 persons in control of the residence. Id.

24 Officer Jex obtained the warrant and officers searched Turner's home on November 8,
 25 2020. Id. Officers found a 9mm caliber Glock 48 with serial number BRLK726 along with a

26
 27 ¹ The R&R suggests that this evidence was irrelevant and could not be used to establish probable cause to
 28 search for firearms because Turner was arrested for being a prohibited person in possession of a firearm. However, it
 tends to show that Turner knew he could not legally own a firearm, that he wanted to own one anyway, and that he
 was willing and ready to buy one. This information would assist a judge in making a commonsense probable cause
 finding.

1 loaded magazine in the broiler drawer of the oven and a box of ammunition in a cabinet above
 2 the sink. Id. The broiler drawer was large enough to hold the forgery related evidence that was
 3 seized that day, including four cell phones, one laptop, paperwork containing fraud material, one
 4 fake New Jersey driver's license, a New Jersey unemployment debit card, a Nevada
 5 unemployment debit card, and movie money. Id.

6 On January 13, 2020, a federal grand jury returned a two-count indictment charging
 7 Turner with Felon in Possession of a Firearm and Felon in Possession of Ammunition, both in
 8 violation of 18 U.S.C. §§ 922(g)(1) and 924 (a)(2). Id. at 8–9. Turner filed a motion to suppress
 9 on September 17, 2021 and Judge Weksler held an evidentiary hearing on the motion on October
 10 19, 2021. Id. at 9. Judge Weksler then issued her Report and Recommendation (R&R) that the
 11 motion to suppress be granted on December 7, 2021. Id.

12 **II. Legal Standard**

13 A magistrate judge operates under the authority granted in 28 U.S.C. § 636. That
 14 authority permits magistrate judges to conduct hearings, “to submit to a judge of the court
 15 proposed findings of fact and recommendations for the disposition, by a judge of the court, of
 16 any motion” permitted in the statute. 28 U.S.C. § 636(b)(1)(B). “A judge of the court may
 17 accept, reject, or modify, in whole or in part, the findings and recommendations made by the
 18 magistrate judge.” Id. at § 636(b)(1). If a party files a timely objection to a magistrate judge’s
 19 recommendation, a “judge of the court shall make a de novo determination of those portions of
 20 the report or specified proposed findings or recommendations to which objection is made.” Id.

21 **III. Analysis**

22 The Court has reviewed the R&R and finds that the motion to suppress should be denied.
 23 For the reasons that follow, the Court finds that there was probable cause for the issuing judge to
 24 grant the Facebook warrant for both accounts, that the Facebook warrant was not overbroad, and
 25 that even if the warrant were overbroad, the good faith exception would apply.

26 **A. George Turner Facebook Account Probable Cause**

27 There was probable cause to search both the Kizzy Chapo and George Turner Facebook
 28 accounts. Probable cause exists when “under the totality of the circumstances, ‘there is a fair

1 probability that contraband or evidence of a crime will be found in a particular place.”” United
 2 States v. Luong, 470 F.3d 898, 902 (9th Cir. 2006) (quoting Illinois v. Gates, 462 U.S. 213, 238
 3 (1983)). “Probable cause determinations are ‘commonsense, practical’ questions, and a ‘fair
 4 probability’ is less even than a preponderance of the evidence.” United States v. Flores, 802 F.3d
 5 1028, 1044 (9th Cir. 2015) (quoting United States v. Gourde, 440 F.3d 1065, 1069 (9th Cir.
 6 2006) (en banc)). “Probable cause in a search warrant affidavit must be based on the material
 7 supplied by the affiant as well as ‘reasonable inferences’ drawn from the material.” United States
 8 v. Bundy, 195 F.Supp.3d 1170, 1174 (D. Or. 2016) (quoting Gates, 462 U.S. at 238).
 9 Additionally, an issuing judge’s probable cause determination “should be paid great deference by
 10 reviewing courts.” Spinelli v. United States, 393 U.S. 410, 419 (1969) (abrogated on other
 11 grounds by Gates, 462 U.S. 213).

12 The issuing judge had probable cause to issue a warrant for the George Turner Facebook
 13 account. Not only was the information helpful in determining the identity and ownership of the
 14 Kizzy Chapo account, but it was not unreasonable to find that contraband or evidence of the
 15 forgery scheme would be found on that page. Reviewing courts are to give great deference to the
 16 issuing judge’s commonsense decision. Spinelli, 393 U.S. at 419. The issuing judge’s inference
 17 that evidence of the forgery scheme would likely be found on both of the Facebook accounts
 18 attributed to Turner was reasonable. The affidavit may not have established probable cause by a
 19 preponderance of the evidence, but the fair probability threshold is lower. By giving the issuing
 20 judge the appropriate deference, the Court finds there was a fair probability that contraband or
 21 evidence of the forgery scheme would be found on the Turner Facebook page.²

22 B. Overbreadth

23 The Court disagrees with the R&R’s conclusion that the Facebook warrant was
 24 overbroad. It recommends that the warrant be found overbroad as applied to the items listed in
 25 categories 3, 4, 5, 6 (as it relates to historical private message header information only), and 8,
 26

27 ² In the alternative, even if there was not probable cause to search the Turner Facebook account, there would
 28 still have been probable cause to search Turner’s home. The evidence found pursuant to the Kizzy Chapo warrant plus
 the material observed by Officer Jex established probable cause to search Turner’s home for the firearm and forgery
 materials.

1 most of which were private message data. “A warrant is overbroad if it fails to establish
 2 ‘probable cause to seize the particular thing[s] named in the warrant,’ and courts will invalidate
 3 warrants ‘authorizing a search which exceeded the scope of the probable cause shown in the
 4 affidavit.’” United States v. Martinez, No. 19-cr-00662-JSW-1, 2020 WL 3050767, at *5 (N.D.
 5 Cal. June 8, 2020) (quoting In re Grand Jury Subpoenas Dated Dec. 10, 1987, 926 F.2d 847, 857
 6 (9th Cir. 1991)). Courts consider three factors in analyzing whether a warrant is overbroad:
 7

8 (1) whether probable cause existed to seize all items of a category described in the
 9 warrant; (2) whether the warrant set forth objective standards by which executing
 10 officers could differentiate items subject to seizure from those which were not;
 11 and (3) whether the government could have described the items more particularly
 12 in light of the information available.

13 Flores, 802 F.3d at 1044. The R&R made this analysis and concluded that the Facebook warrant
 14 was overbroad on some of the items to be seized. The Court disagrees and makes its own
 15 analysis.

16 First, there was probable cause to seize all items of the categories listed in the Facebook
 17 warrant. As stated, probable cause exists when “under the totality of the circumstances, ‘there is
 18 a fair probability that contraband or evidence of a crime will be found in a particular place.’”
 19 Luong, 470 F.3d at 902 (quoting Gates, 462 U.S. at 238). There was a fair probability that
 20 evidence of the forgery scheme would be found in each of the enumerated categories, including
 21 Turner’s private messages. People interested in purchasing a fake driver’s license would likely
 22 message Turner privately. Potential co-conspirators involved in the creation or shipping of the
 23 forged documents may have messaged Turner privately as well. Evidence of the crime would
 24 also likely be found in Turner’s user files, including photographs and videos. Officer Jex had
 25 already observed Turner’s posts of photographs and videos showing the fake licenses. As for the
 26 public wall posts, Officer Jex had already seen them as well because they were available for all
 27 of Turner’s Facebook friends to see. Because there was a reasonable probability under the
 28 totality of the circumstances that evidence of the forgery scheme would be found in each
 category of the warrant, this factor weighs toward admissibility.

Second, the warrant and incorporated affidavit set forth objective standards by which

1 executing officers could differentiate items subject to seizure from those which were not. As the
 2 R&R points out, the affidavit is incorporated by the warrant and was attached to it. The Ninth
 3 Circuit “consider[s] an affidavit to be part of a warrant, and therefore potentially curative of any
 4 defects, ‘only if (1) the warrant expressly incorporated the affidavit by reference and (2) the
 5 affidavit either is attached physically to the warrant or at least accompanies the warrant while
 6 agents execute the search.’” United States v. SDI Future Health, Inc., 568 F.3d 684, 699 (9th Cir.
 7 2009) (quoting United States v. Kow, 58 F.3d 423, 429 n.3 (9th Cir. 1995)). The Ninth Circuit
 8 noted that it remains “rigid in [its] insistence on both these requirements” to “assure that the
 9 affidavit actually limits the discretion of the officers executing the warrant.” United States v.
 10 Towne, 997 F.2d 537, 548 (9th Cir. 1993) (internal quotations and citations omitted).

11 The warrant expressly incorporated the affidavit, stating “Proof by Affidavit having been
 12 made before me . . . said Affidavit attached hereto and incorporated herein by reference.” (ECF
 13 #79-1, at 8). The first prong is satisfied. The second prong is not as obvious, but is satisfied. The
 14 R&R states that “there was no evidence that the affidavit accompanied the warrant while the
 15 search was executed.” (ECF #72, at 16). Neither party explicitly addressed the issue while the
 16 government “appears to assume that Officer Jex’s affidavit is part of the Facebook warrant, and
 17 Turner’s position is unclear.” Id. It then concludes that the court would treat the affidavit as
 18 being incorporated into the warrant because it did not change the court’s conclusion. Id. at 16–
 19 17. However, whether the affidavit is considered impacts the analysis greatly. The government
 20 briefly addressed the issue in its objection to the R&R. It repeatedly mentions that the affidavit
 21 was attached and states that “the affidavit was available during the search for reference by
 22 Officer Jex.” (ECF #79, at 11). Therefore, the second prong is satisfied.

23 The Court recognizes that the Ninth Circuit has found that absent any evidence that the
 24 affidavit accompanied or was attached to the warrant at the time the warrant was executed, the
 25 “fact that the warrant states that the affidavit is both attached and incorporated by reference is
 26 insufficient to permit us to conclude that the affidavit accompanied the warrant at the time of the
 27 search.” United States v. Hotal, 143 F.3d 1223, 1225 (9th Cir. 1998). However, that holding is
 28 specific to an anticipatory search warrant that required the warrant to identify the condition

1 precedent to trigger the search. The warrant did not mention the triggering condition but the
 2 government argued the affidavit did. Id. at 1225. The affidavit would have been the only basis
 3 for the search. Hotal cites United States v. McGrew, 122 F.3d 847 (9th Cir. 1997) and United
 4 States v. Van Damme, 48 F.3d 461 (9th Cir. 1995) for this proposition. Both are distinguishable
 5 from the instant action. The warrant in McGrew “failed to specify any type of criminal activity
 6 suspected or any type of evidence sought.” McGrew, 122 F.3d at 848. The warrant then referred
 7 to the “attached affidavit” that was not there. Id. Similarly, the warrant in Van Damme “said
 8 ‘SEE ATTACHMENT #1’ . . . [b]ut nothing was attached.” Van Damme, 48 F.3d at 465. The
 9 Facebook warrant, which was not an anticipatory warrant, indicated the specific crimes alleged
 10 and the items to be searched. The attached affidavit supported and specified the search. The
 11 government’s assertion in its signed motion provides evidence sufficient for the Court to find
 12 that the attached affidavit was available during the search and is incorporated by the warrant.

13 By including the affidavit in the analysis, the warrant provided objective standards for the
 14 executing officers. The Ninth Circuit has found that “reference to the ‘specific illegal activity’ at
 15 issue would ‘provide substantive guidance for the [officers’] exercise of discretion in executing
 16 the warrant.” United States v. Martinez, No. 19-cr-00662-JSW-1, 2020 WL 3050767, at *6 (N.D.
 17 Cal June 8, 2020) (quoting United States v. Spilotro, 800 F.2d 959, 964 (9th Cir. 1986)). In
 18 another instance, description of the alleged criminal behavior “provid[ed] executing officers with
 19 sufficient objective standards for segregating responsive material” from non-responsive material.
 20 Flores, 802 F.3d at 1044 (internal quotations omitted). The same happened here. The warrant and
 21 affidavit explain with detail the particular crimes for which evidence was sought and provide
 22 objective standards for segregating the responsive material from the non-responsive material,
 23 *i.e.*, evidence of forgery and conspiracy to commit forgery as detailed in the affidavit. In addition
 24 to explaining the alleged crimes, the affidavit listed examples of items the officers would be
 25 looking for: examples of Facebook posts, a video showcasing a false Pennsylvania driver’s
 26 license, a post regarding prices for forged documents, evidence related to co-conspirators, and
 27 evidence to identify other potential suspects or witnesses to the crime. (ECF #79-1, at 3–5).
 28 Because the affidavit described the alleged crimes and gave examples of items to seize, the

1 warrant set forth objective standards by which officers could conduct their search. This factor
 2 weighs toward admissibility.

3 Third, while the government could have described the item with more particularity, the
 4 warrant was particular enough as to not be overbroad. The Ninth Circuit has demonstrated that
 5 “overseizing is an accepted reality in electronic searches because there is no way to be sure
 6 exactly what an electronic file contains without somehow examining its contents.” Flores, 802
 7 F.3d at 1044–45 (internal alterations and citations omitted). Additionally, the Supreme Court has
 8 indicated that specific, technical language is not expected in warrants. It found that “affidavits
 9 ‘are normally drafted by nonlawyers in the midst and haste of a criminal investigation,’” and
 10 suggested that warrants be granted “a standard less demanding than those used in more formal
 11 legal proceedings.” Illinois v. Gates, 462 U.S. 213, 235 (1983) (quoting United States v.
 12 Ventresca, 380 U.S. 102, 108 (1965)). While this language was addressing the Spinelli two-
 13 factor test, the Court finds it applicable and persuasive here. The warrant could have contained
 14 more specific language concerning the forgery scheme. However, the supporting affidavit and
 15 factual assertions gave officers enough guidance to lawfully execute the search. While it may not
 16 have been as particular as Turner would like, this factor does not weigh toward suppression
 17 enough to overcome the previous factors that weigh toward admissibility.

18 The Facebook warrant for the Kizzy Chapo and George Turner accounts established
 19 probable cause to seize the items listed in the warrant, contained objective standards and
 20 examples to guide the executing officers, and was not lacking in particularity such that it was
 21 overbroad. Therefore, the warrant to search the Facebook accounts was not overbroad.³

22 **C. Good Faith Exception**

23 The Court finds that even if the Facebook warrant were overbroad, the good faith
 24 exception would apply because the warrant was not facially defective such that an objectively
 25 reasonable belief in its validity would be impossible. Evidence seized pursuant to a facially valid
 26 search warrant that later is held to be invalid may still be admissible, if officers acted in good

27
 28 ³ Because the Facebook warrant was valid and not overbroad, there was probable cause to issue the residential
 warrant.

1 faith and in reasonable reliance on the warrant. Kow, 58 F.3d at 428. The good faith exception
 2 does not apply, however,

3 (1) where the affiant recklessly or knowingly placed false information in the
 4 affidavit that misled the issuing judge; (2) where the judge wholly abandon[s] his
 5 [or her] judicial role; (3) where the affidavit is so lacking in indicia of probable
 6 cause as to render official belief in its existence entirely unreasonable; and (4)
 7 where the warrant is so facially deficient—i.e., in failing to particularize the place
 to be searched or the things to be seized—that the executing officers cannot
 reasonably presume it to be valid.

8 United States v. Underwood, 725 F.3d 1076, 1085 (9th Cir. 2013) (internal quotations omitted).

9 “The government bears the burden of proving that reliance upon the warrant was objectively
 10 reasonable.” Kow, 58 F.3d at 428. The R&R found that the good faith exception should not
 11 apply because when a “warrant is facially defective because it is overbroad, ‘an objectively
 12 reasonable belief in its validity will be impossible.’” (ECF #72, at 25) (quoting Towne, 997 F.2d
 13 at 549). The Court, having found that the warrant was not overbroad, rejects this argument.

14 Additionally, in Kow, the Ninth Circuit discussed facially invalid warrants upon which
 15 no reasonable agents could rely. Kow, 58 F.3d at 428–29. The Court listed examples that would
 16 be overbroad and facially deficient, but recognized another case in which two narrowing
 17 elements of the warrant were sufficient to avoid the warrant being facially defective: limitation
 18 with respect to time and particular criminal activity. Id. at 428. “For example, in Michaelian, the
 19 warrant was limited with respect to time and particular criminal activities and was not so
 20 ‘overbroad as to be facially deficient.’” Id. (quoting United States v. Michaelian, 803 F.2d 1042,
 21 1048 (9th Cir. 1986)). These narrowing elements appear sufficient to give officers a reason to
 22 rely on the warrant. Both of those elements exist here. The Facebook warrant was limited to the
 23 time period of June 5, 2020 through August 4, 2020 and the affidavit sufficiently described the
 24 particular criminal activities for which the warrant was sought. Therefore, the Facebook warrant
 25 was not so overbroad such that an objectively reasonable belief in its validity would be
 26 impossible. The other circumstances preventing application of the good faith exception are also
 27 absent. Therefore, if the warrant were found to be invalid, the good faith exception would apply.

IV. Conclusion

Accordingly, IT IS HEREBY ORDERED that the magistrate judge's Report and Recommendation (ECF #72) is **REJECTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress (ECF #42) is **DENIED**.

Dated this 21st day of January, 2022.


Kent J. Dawson
United States District Judge